UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

| OFFICIAL COMMITTEE OF UNSECURED CREDITORS |) 3:13-cv-00010-RCJ-WGC |
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| Plaintiff, |) <u>MINUTES OF PROCEEDINGS</u> |
| VS. |) September 6, 2013 |
| GIACOMO MARINI, et al., |) |
| Defendants. |))) |
| PRESENT: <u>THE HONORABLE WILL</u> | IAM G. COBB, U.S. MAGISTRATE JUDGE |
| DEPUTY CLERK: Katie Lynn Ogden | REPORTER: FTR |
| COUNSEL FOR PLAINTIFF(S): <u>Jason</u> | Maynard |
| COUNSEL FOR DEFENDANTS: <u>Kaara</u> | n Thomas and Lisa Chapman (Telephonically) |
| MINUTES OF PROCEEDINGS: Statu | us Conference |

8:12 a.m. Court convenes.

I. Defendant Noventi Ventures II LP's Motion for Protective Order (Doc. # 173)

The court addresses defendant Noventi Ventures II LP's (Noventi) Motion for Protective Order relating to Plaintiff's request for production of documents numbers 1-3. (Doc. # 173.)¹

Preliminarily, the court indicated that it accepts Noventi's position that Plaintiff's requests seek highly sensitive and confidential commercial information; however, the court will hear argument regarding whether a carefully crafted protective order can alleviate Noventi's concerns regarding disclosure.

The court then turns to a discussion on the relevancy of the requested information. Counsel present their respective positions regarding the relevancy of the requested information. Noventi argues that the information requested, documents evidencing the value Noventi placed on its investment in the debtor, are not relevant. Plaintiff, on the other hand, argues that the information is relevant to its calculation of damages, which is the value of the debtor entity at various points in time.

¹Defendants Greenhouse Capital Partners, LP (Doc. # 193) and Big Sky Venture Capital III, LLC and Big Sky Venture Capital IV, LLC (Doc. # 204) joined in the motion.

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After hearing from counsel, the court advises the parties that it will take the motion for protective order under submission.

II. Plaintiff's Motion for an Order Referring this Case to Alternate [sic] Dispute
Resolution (Doc. # 69) and Noventi Defendants' Request for Oral Argument on
Plaintiff's Motion for an Order Referring this Case to Alternate [sic] Dispute
Resolution, or in the Alternative, Motion for Leave to File a Surreply (Doc. # 112)

Plaintiff's Motion for an Order Referring this Case to Alternate [sic] Dispute Resolution (Doc. # 69) is **DENIED without prejudice**, to be reconsidered by the court after two witness depositions are completed in October.

No later than mid-October, counsel for Noventi, Ms. Thomas, shall file a notice advising the court the two deposition are complete. The court advises the parties that it will likely order the parties to undertake some alternative dispute resolution at that time. Furthermore, the court will likely refer the matter to Magistrate Judge McQuaid to schedule a date and time for an alternative dispute resolution session.

Therefore, Noventi Defendants' Request for Oral Argument on Plaintiff's Motion for an Order Referring this Case to Alternate [sic] Dispute Resolution, or in the Alternative, Motion for Leave to File a Surreply (Doc. # 112) is **DENIED as moot**.

IT IS SO ORDERED.

9:31 a.m. Court Adjourns.

| LANCE S. WILSON, CLERK | | |
|------------------------|--------------------------------|--|
| By: | /s/ | |
| • | Katie Lynn Ogden, Deputy Clerk | |